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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,846	03/12/2001	Tetsushi Nomoto	108611	7817

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EXAMINER

SINGH, SATWANT K

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,846

Applicant(s)

NOMOTO, TETSUSHI

Examiner

Satwant K. Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 22-36 and 44-47 is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 10 November 2005.

Allowable Subject Matter

2. The indicated allowability of claims 17-20 is withdrawn in view of the newly discovered reference(s) to Goldberg et al. (US 6,819,783). Rejections based on the newly cited reference(s) follow.
3. Claims 1-16, 22-36, and 44-47 allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The reasons for allowance were given in the office action mailed on 28 July 2005.
5. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al. (US 6,819,783).

8. Regarding Claim 17, Goldberg et al disclose a method of providing prints of a digital image registered by a registrant in response to orders from a plurality of different viewers comprising: a first step of receiving the digital image from the registrant (Fig. 28, S700) (images of patrons are captured) (col. 14, lines 49-67); a second step of registering the received digital image (Fig. 28, S706) (descriptors are computed and stored in association with the images) (col. 14, lines 49-67); a third step of showing the registered digital image to the plurality of different viewers (patron accesses the stored images) (col. 21, lines 11-23); a fourth step of accepting the orders for the print of the digital image from the plurality of different viewers (patron can perform certain actions) (col. 21, lines 23-48); a fifth step of summing up the orders from the plurality of different viewers within a predetermined period (photographic images could be collected together into a single album) (col. 21, lines 55-67); and a sixth step of producing the prints based on the fifth step (image retrieval performed on a group basis) (col. 21, lines 55-67).

9. Regarding Claim 18, Goldberg et al disclose a method, wherein at least the fourth to the sixth steps are repeated (col. 21, lines 11-67).

10. Regarding Claim 19, Goldberg et al disclose a method, further comprising a step of setting a time limit to the fourth step, whereby the fourth step accepts

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the order leading to the sixth step only when the order is made within the time limit (patron 43 can retrieve images as long as the patron still has physical possession of the tag 49) (col. 6, lines 20-24).

11. Regarding Claim 20, Goldberg et al disclose a method, wherein the third step includes a step of permitting only a viewer with a predetermined identification to view the registered digital image (patron 43) (col. 21, lines 11-23).

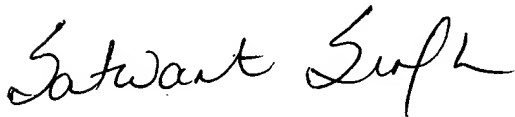
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

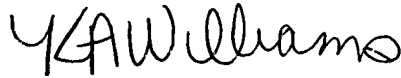
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



sks



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Satwant K. Singh
Examiner
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